

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'G' BENCH
MUMBAI**

**BEFORE: SHRI M.BALAGANESH, ACCOUNTANT MEMBER
&
SHRI RAHUL CHAUDHARY, JUDICIAL MEMBER**

**ITA No.1447/Mum/2019
(Assessment Year :2011-12)**

M/s. Western Engineering Works C/o. M/s. N.S. Virani & Co., 28, Bhanushali Building 35, Mint Road Mumbai – 400 001	Vs.	Jt. Commissioner of Income Tax Range 16(1) Mumbai
PAN/GIR No.AAAF3450E		
(Appellant)	..	(Respondent)

Assessee by	Shri N.S. Virani
Revenue by	Ms. Kanupriya Damor
Date of Hearing	08/08/2022
Date of Pronouncement	08/08/2022

आदेश / ORDER

PER M. BALAGANESH (A.M):

This appeal in ITA No.1447/Mum/2019 for A.Y.2011-12 arises out of the order by the Id. Commissioner of Income Tax (Appeals)-59, Mumbai in appeal No.CIT(A)-59/IT-07/[IT-345 (Apl.30)/2017-18 dated 25/01/2019 (Id. CIT(A) in short) against the order of assessment passed u/s.143(3) of the Income Tax Act, 1961 (hereinafter referred to as Act) dated 30/01/2014 by the Id. Jt. Commissioner of Income Tax-Range 16(1), Mumbai (hereinafter referred to as Id. AO).

2. At the time of hearing, the Id. AR stated that he would like to withdraw the appeal preferred by the assessee. To this effect he filed a letter dated 20/07/2022 which is reproduced hereinbelow:-

“Under the instructions of our above clients, we have the honour to address you as under. The appeal referred to above is fixed for hearing on 8th August, 2022 before G Bench, Mumbai.

The order passed by the Commissioner of Income tax (Appeals-59) partly allowed the appeal of our client which included one ground pursuant to which the addition made in respect of deemed dividend was fully deleted. Hence, there is no grievance in respect of the said ground. However, the issue contested before the Tribunal is covered by the direction of the CIT appeals and will be accordingly pursued with lower authorities as advised to the Assessee Client

We are, therefore, directed to request you to allow the Appellant client to withdraw the appeal before you as advised to them.

We trust you will allow the Assessee to withdraw the appeal and you may accordingly pass appropriate orders.”

3. In view of the above, the appeal of the assessee is hereby dismissed as withdrawn.

4. In the result, appeal of the assessee is hereby dismissed as withdrawn.

Order pronounced in open Court on 08/08/2022.

Sd/-
(RAHUL CHAUDHARY)
JUDICIAL MEMBER

Sd/-
(M.BALAGANESH)
ACCOUNTANT MEMBER

Mumbai; Dated 08/08/2022
KARUNA, sr.ps

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Sr. Private Secretary / Asstt. Registrar)
ITAT, Mumbai